

THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA  
CIVIL DIVISION

NARDYNE JEFFERIES,  
Personal Representative on  
Behalf of BRISHELL TASHÉ JONES'  
Estate  
51 Danbury Street, SW,  
Washington, DC 20032

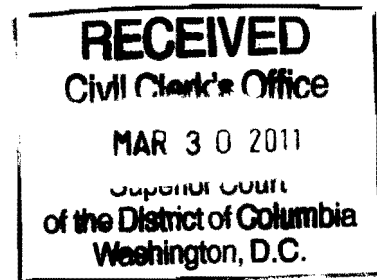
Plaintiffs,  
v.

THE DISTRICT OF COLUMBIA  
Municipality AND  
VINCENT GRAY, MAYOR  
In His Official and Individual Capacity  
1350 Pennsylvania Avenue, NW,  
Suite 221,  
Washington, DC 20004

Serve: DISTRICT OF COLUMBIA,  
OFFICE OF THE ATTORNEY  
GENERAL  
(DARLENE FIELDS)  
441 Fourth Street, NW, 6<sup>TH</sup> Floor,  
Washington, DC 20001

Serve: HON. VINCENT GRAY, Mayor  
DISTRICT OF COLUMBIA,  
(Official and Personal Capacity)  
1350 Pennsylvania Avenue, N.W.  
Suite 221,  
Washington, DC 20004

Serve: DEPARTMENT OF YOUTH  
REHABILITATION SERVICES  
(NEIL STANLEY, DIRECTOR  
in his Individual and Official Capacity)  
1000 Mount Olivet Road  
Washington, DC 20002-2210



Civil Action No. 0002446-11

Serve: DC METROPOLITAN POLICE  
DEPARTMENT  
(CHIEF CATHY LANIER, In Her  
Official and Individual Capacity)  
Headquarters  
300 Indiana Avenue, NW  
Washington, DC 20001

Serve: OFFICE OF ASSISTANT U.S.  
ATTORNEY  
(D.C. U.S. ATTORNEY RONALD C.  
MACHEN, JR.  
In His Official and Individual Capacity)  
555 Fourth Street, NW  
Washington, DC 20530

Serve: D.C. OFFICE OF ATTORNEY  
GENERAL  
(ACTING ATTORNEY GENERAL  
IRVIN B. NATHAN  
In His Official Capacity)  
(PETER NICKLES, FORMER ATTORNEY  
GENERAL  
In His Individual Capacity)  
441 Fourth Street, NW, 6<sup>TH</sup> Floor,  
Washington, DC 20001

Serve: DEPARTMENT OF HUMAN  
SERVICES,  
YOUTH SERVICES ADMINISTRATION,  
DIVISION OF COURT AND COMMUNITY  
PROGRAMS  
(DIRECTOR CLARENCE H. CARTER  
In His Official Capacity)  
370 L'Enfant Promenade, S.W.  
Washington, DC 20447

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Serve: COURT SERVICES AND OFFENDER  
SUPERVISION AGENCY FOR THE  
DISTRICT OF COLUMBIA  
(DEPUTY DIRECTOR ADRIENNE POTEAT  
In Her Official Capacity)

300 Indiana Avenue, NW :  
Washington, DC 20001 :

Serve: D.C. PRETRIAL SERVICES AGENCY :  
(DIRECTOR SUSAN W. SHAFFER :  
In Her Official Capacity) *red* :  
633 Indiana Avenue, NW, Suite 1120 :  
Washington, D.C. 20004 :

Serve: D.C. DEPARTMENT OF MENTAL :  
HEALTH :  
(DIRECTOR STEPHEN T. BARON :  
In His Official Capacity) :  
64 New York Avenue, NE, 4th Floor :  
Washington, DC 20002 :

Serve: DC CRIMINAL JUSTICE :  
COORDINATING COUNCIL :  
(MANNONE A. BUTLER, :  
INTERIM EXECUTIVE DIRECTOR :  
In Her Official Capacity) :  
441 Fourth Street NW, Suite 727 N, :  
Washington, DC 20001. :

*ind* Serve: D.C. HOUSING AUTHORITY :  
(ADRIENNE TODMAN, DIRECTOR :  
In Her Official Capacity) :  
1133 North Capitol Street N.E. :  
Washington, DC 20002 :

Serve: D.C. PUBLIC SCHOOLS :  
(KAYA HENDERSON, CHANCELLOR :  
(In Her Official Capacity) :  
825 N Capitol Street, NE :  
Washington, DC 20004 :

*7c* Serve: JUSTICE GRANTS ADMINISTRATON :  
(LISA E. BROOKS, DIRECTOR) :  
(In Her Official Capacity) :  
1350 Pennsylvania Avenue, NW, Suite 317 :  
Washington, DC 20004 :

Serve: PEACEHOLICS :

(JAUHAR ABRAHAM, C.E.O. :  
In His Official Capacity) :  
611 Raleigh Place, SE :  
Washington D.C., DC 20032-4205 :  
:  
Serve: PEACE ABODE :  
(RONALD L. MOTEN, C.O.O. :  
In His Official Capacity) :  
3119 Martin Luther King Avenue, SE :  
Washington, DC 20032 :  
:  
Serve: D.C. FIRE AND EMERGENCY :  
MEDICAL SERVICES :  
(CHIEF KENNETH B. ELLERBE :  
In His Official Capacity) :  
1923 Vermont Avenue, NW :  
Washington , DC 20001 :  
:  
Serve: NATIONAL COMPANY ROMARM :  
(GENERAL MANAGER, VASILE :  
MARIUS CRISAN) :  
5B, Timisoara Str. :  
Bucharest, Romania 061301 :  
:  
And :  
:  
JANE DOE a/k/a/ "GODMOTHER" :  
(Unknown defendant) :  
626 Brandywine Street, SE :  
Washington, DC 20032 :  
:  
JOHN DOE (Unknown defendants) :  
ADDRESS UNKNOWN :  
City, State and Zip Code :

## COMPLAINT

This is an action for declaratory relief and monetary damages brought by Ms. Nardyne Jefferies, Personal Representative on behalf of Brishell Tashé Jones' Estate against: Department of Youth Rehabilitation Services ("DYRS"); Youth Rehabilitation Services ("YRS"); DC

Metropolitan Police Department (“MPD”); Assistant U.S. Attorney (“AUSA”); DC Office of Attorney General (“OAG”); Pretrial Services Agency (“Pretrial” or “PSA”); (“CSOSA”); DC Department of Mental Health (“DMH”); D.C. Housing Authority (“HA”); D.C. Public Schools (“DCPS”); Justice Grants Administration; Peaceholics and Peace Abode; D.C Fire and Emergency Medical Services (“EMS”); National Company ROMARM; and currently unknown persons designated as “Jane Doe a/k/a/ “Godmother”” and “John Doe” for Wrongful Death and Loss of Consortium from the injuries suffered by and killing of Brishell Tashé Jones on March 30, 2010, as a result of Gross Negligence, Negligence (Variety of Tortious Actions); Violation of Title 42 U.S.C. § 1983: Substantive and Procedural Due Process Violations; Equal Protection Violations; Deliberate Indifference and Willful Disregard; Failure to Abide by and Enforce D.C. Gun Laws and State and Federal Housing Authority Regulations; DYRS’ failure to supervise Juveniles and failure to notify in violation of Mandatory Juvenile Public Safety Notification Act of 2006, D.C.Code (§ 16-2332) 16-2332 (d-1)(1); State-Created and Reckless Endangerment; Executive Abuse of Authority/Power; Race Discrimination; Violation of the D.C. Human Rights Act; Intentional Infliction of Emotional Distress; Conspiracy; Fraud, Waste, and Misuse of Federal Funds; Egregious Incompetence; Violations of D.C. Firearms Control Regulation Act, Bill 17-843, Firearms Control.

For this Complaint, Ms. Jefferies states as follows:

### **JURISDICTION AND VENUE**

1. This action arises under D.C. Code (2001) §12-309 and common law, SCR- Civil 6, Fed. R. Civ. Procedure (6)(b), Title 42 U.S.C § 1983, D.C. Code § 16-2332 (d-1)(1); Mandatory

Juvenile Public Safety Notification Act of 2006; D.C. Firearms Control Regulation Act, Bill 17-843; Enhanced Crime Prevention and Abatement Emergency Amendment Act of 2008, Bill 17-422; Firearms Control Regulation Act of 1975; 2<sup>nd</sup> Firearms Control Emergency Amendment Act (DC-17422); Firearms Registration Amendment Act of 2008; Record Access Emergency Amendment Act of 2009; and the Omnibus Public Safety And Justice Amendment Act of 2009. This Complaint is timely filed within one (1) year of filing of Notice of Claim to Hon. Adrian Fenty, Mayor, District of Columbia, pursuant to D.C. Sup. Ct. R.P. 15(a); D.C. Code § 12-309; and other laws and regulations of the District of Columbia and the United States. This Court has jurisdiction over all claims for relief, including state claims under the supplemental and ancillary jurisdiction of the federal court.

Venue is proper in the District of Columbia because the unlawful acts and practices complained of that caused the wrongful death of Brishell Tashé Jones took place within the District of Columbia.

### **THE PARTIES**

2. Plaintiff Brishell Tashé Jones is the decedent in this case and was a resident of Washington, D.C. She lived at 51 Danbury Street, SW, Washington, DC 20032, with her mother, Nardyne Jefferies, at all times pertinent to this Complaint. She was African American and sixteen years old at the time of her death.

3. A “Petition” to appoint Ms. Nardyne Jefferies Personal Representative of Brishell Tashé Jones’ (Brishell Jones’) Estate was filed with the D.C. Superior Court, Probate Division, September 17, 2010 (Case Number 2010 Adm. 938). The Petition was approved and signed, granting full powers to Ms. Nardyne Jefferies as Personal Representative on September 21, 2010.

4. Defendant, Department of Youth Rehabilitation Services (“DYRS”) and its Director Neil Stanley, is an agency of the government of the District of Columbia which at all times hereunder, acted by, through, and as “employer” pursuant to 42 U.S.C. § 1983, D.C. Code §16-2332 (d-1)(1) , and was so situated during all times pertinent herein. Its principal office is located at 1000 Mount Olivet Road, Washington, DC 20002-2210. DYRS is a separate agency subordinate to the Mayor. The Mayor governs in the District of Columbia and has, among other things, authority over matters pursuant to D.C. Code 1-242 § 711(a).

5. Defendant, DC Metropolitan Police Department (MPD) and Chief Cathy Lanier is an employee of the District of Columbia, and serves as its Chief of Police. Her office is located at 300 Indiana Avenue, NW, Washington, DC 20001. At all times during the events set out in this Complaint, Lanier was employed with (MPD) and acted as its Chief and agent of the government of the District of Columbia. The Chief reports directly to the Mayor, and has authority as delegated by the Mayor pursuant to D.C. Code 1-242 § 711(a).

6. Defendant, Office of the Assistant United States Attorney (“AUSA”) is located at 810 7<sup>TH</sup> Street, NW Washington, DC. 20001; and U.S. Attorney Ronald C. Machen, Jr.’s office is located at 555 4<sup>TH</sup> Street, NW Washington, DC 20530.

7. Defendant, D.C. Office of Attorney General (“OAG”) and Acting Attorney General Irvin B. Nathan’s office is located at 441 Fourth Street, NW, 6<sup>TH</sup> Floor, Washington, DC 20001.

15. Defendant D.C. Fire and Emergency Medical Services' ("EMS") and Chief Kenneth B. Ellerbe's offices are located at 1923 Vermont Avenue NW, Washington, DC 20001.

16. Defendant National Company ROMARM is the manufacturer and exporter of the 7.62 x 39 mm assault rifle (AK-47) used to murder Brishell Jones on March 30, 2010, and Jordan Howe on March 21, 2010. ROMARM's general manager is Vasile Marius Crisan, and its principal offices are located at 5B, Timisoara Str., Bucharest, Romania 061301.

17. Jane Doe a/k/a "Godmother" is an individual residing at 626 Brandywine Street, SE, Washington, DC. She contributed to the tortious and unlawful acts committed by the criminal defendants by storing and dispensing the guns used to murder Brishell Jones.

18. John Doe (Address Unknown) is/ are individual(s) whose address is unknown, and who assisted the criminal defendants in their conspiracy to murder African American youths of Wards 7 and 8.

### **STATEMENT OF FACTS**

19. This case arises out of the untimely, preventable and reasonably foreseeable death of Brishell Jones who, on March 30, 2010, at the age of sixteen (16) years, died from multiple gunshot wounds to the body and head during an anticipated and expected retaliatory drive-by premeditated shooting in South East Washington, D.C..

20. Brishell was the sole child of Nardyne Jefferies.

21. On September 17, 2010 Ms. Jefferies was issued *Letters of Administration* from the Probate Division of the Superior Court of the District of Columbia, granting full powers as the



Personal Representative, in the Estate of Brishell Tashé Jones, Administrative No. *2010 ADM 00938*.

22. The persons charged with killing Brishell Jones on March 30, 2010 are pending trial pursuant to a Grand Jury's indictment (handed down December 16, 2010) signed by Ronald C. Machen, Jr., U.S. Attorney in and for the District of Columbia. Defendants include: Sanquan Carter (2010-CFI-5176); Orlando Carter (2010-CFI-5177); Jeffrey D. Best (2010-CFI-7370); Robert Bost (2010-CFI-7155); and Lamar J. Williams (2010-CFI-7157).

23. The Grand Jury Indictment: U.S. v. SANQUAN CARTER, also known as "Bootsie" PDID: 527-145; ORLANDO CARTER, also known as "Lando" or "Dough" PDID: 527-147; JEFFREY D. BEST, also known as "Dro," "Little Dro," or "J.B.," PDID: 599-650; ROBERT BOST also known as "Little Rob" or "Chuck" PDID: 546-967; LAMAR J. WILLIAMS, also known as "Neph" or "Nephew," PDID 609-530, is incorporated by reference herein.

24. The intersection and convergence of circumstances surrounding, leading up to, and resulting in Brishell Jones' death, including among other things: the sale, purchase, possession, and use of illegal weapons including an AK-47, a 12-gauge shotgun, and a .380 handgun; and the place, timing, and manner of involvement by the aforementioned indicted Defendants are directly and/or indirectly the result and outgrowth from the AUSA's and D.C. Government officials', agencies', and employees' customs, practices, and culture of action and inaction based on irresponsible judgment and decision-making; negligence; gross negligence; willful disregard; racial discrimination; and deliberate indifference to the safety, welfare, and the life of Brishell Jones, an African American teenager, in particular, and African American Youths in the District of Columbia and their families, in general. See also Plaintiff's 12-309 Notice of Claim filed with

the Office of the Mayor on September 30, 2010, which is incorporated by reference here and throughout this Complaint.

25. The decisions, acts, and omissions over an extended period of time by, through, and/or between the AUSA and D.C. Government officials, agencies, and employees, caused, created, endorsed, maintained, and resulted in foreseeable substantial and unreasonable interference with Brishell's safety, welfare, and life in the District of Columbia on March 30, 2010.

26. Failure of the D.C. Metropolitan Police Department (MPD), and former Mayor Adrian Fenty and Chief Cathy Lanier, to exercise appropriate measures, follow sound protocols and process to protect the community and honor the special relationship according to the purpose of the D.C. Youth Development Strategy Implementation Plan (2006) to prevent retaliatory violence after homicides constitutes discrimination against Wards 7 and 8 residents (who are predominantly African American).

27. The District's government's policy of selective enforcement of the identified and respective agencies' responsibilities is/was based on discriminatory practices and/or failure to act in contravention of D.C. law, agency regulations, and equal protection guarantees under state and federal law.

28. Based on the defendants involved in the retaliatory drive-by shootings resulting in the heinous murder of Brishell Jones, the D.C. government agencies identified herein as Defendants had a duty to act and either negligently or intentionally failed to act, acted in an untimely fashion, or acted in a manner that created and/or increased the danger, that put Brishell Jones directly in harm's way on March 30, 2010.

29. Based on the defendant “Jane Doe a/k/a “Godmother””, as the person who stored and dispensed unlawful weapon(s) used in the March 21 and 30 shootings to the aforementioned criminal defendants, Defendant “Godmother” had a duty to act, and either negligently or intentionally failed to act, or acted in a manner that entrusted a dangerous and illegal instrument to persons she reasonably knew or should have known would use them to commit unlawful violence, and/or acted in a manner that created and/or increased the danger, that put Brishell Jones directly in harm’s way on March 30, 2010.

30. Based on the defendant National Company ROMARM, the manufacturer and exporter of the AK-47 assault rifle used in the retaliatory drive-by murder of Brishell Jones (and Jordan Howe), and the laws of the District strictly forbidding such weapons within the District, ROMARM had a duty to act, and either negligently or intentionally failed to act, or acted in a manner that created and/or increased the danger that put Brishell Jones directly in harm’s way on March 30, 2010.

### **STATEMENT OF FACTS**

31. In July 2006, the DC City Council approved emergency legislation, the Enhanced Crime Prevention and Abatement Emergency Act, designed to protect the District’s residents, particularly those in Wards 7 and 8, from marked surge in crime. This Act allowed the District and its respective agencies to: (1) modify curfew hours following a public safety necessity determination; (2) require the Family Court of the District of Columbia Superior Court to disclose specified information to the Chief of the MPD; (3) amend Titles 16 and 23 of the D.C. Code to create a rebuttable presumption for detaining certain adults and juveniles charged with robbery pending a trial or disposition hearing; and (4) to amend the regulations regarding CCTV.

32. Commensurably, the DC Youth Development Strategy Implementation Plan was developed and a police-community partnership, the Violence Intervention Partnership (VIP), was formed to reduce violence in communities east of the Anacostia River through law enforcement, conflict resolution, and intervention and prevention strategies. It involved collaborative efforts by community leaders, law enforcement officers, government agencies, faith- and community-based organizations, educators, and youth outreach workers. Core members included: MPD, US Attorney's Office, OAG, DYRS, East of the River Clergy Police Community Partnership (ERCPCP), Peaceoholics, East River Family Strengthening Collaborative, the Far Southeast Family Strengthening Collaborative, East Capitol Center for Change, CSOSA, DPR Roving Leaders, DC Children and Youth Investment Trust Corporation. With MPD the designated lead agency, their goals were to reduce youth violent crime, youth delinquency, recidivism, the number of youth homicides in Wards 7 and 8, and the number of juvenile arrests for violent incidents in Wards 7 and 8, or Southeast DC, which has the highest homicide rates and the lowest rates of educational achievement. To address safety issues, MPD agreed to meet with VIP, members monthly; however, starting early 2010 and continuing through the week before the cycle of shootings began, the MPD and other Defendant Agencies decreased participation stopped attending and failed to execute the established processes and protocols for dealing with homicides in Wards 7 and 8.

33. The series of events leading to the senseless and violent death of Brishell Jones and three others on March 30, 2010 began on March 21, 2010, amidst a background of acts and policies of inept AUSA and DC government agencies' practices and procedures that placed less value on the lives of African American youths in Wards 7 and 8, than similarly situated youths of other races

in different Wards.<sup>1</sup> It involved criminal defendants including, but not limited to: (1) Sanquan Carter, age nineteen (19), education level of 11 years, who was awaiting a felony trial for allegedly carrying a pistol in a carjacking. According to reports, it appears that while under “court supervision” pending the felony trial, pursuant to a judge’s order, March 21, 2010, Sanquan was removed from a halfway house and placed at Peace Abode, a community-based transition house operated by Peaceoholics designed to return criminals to the community and provide them with life and nurturing skills. Sanquan, absent from Peace Abode, despite the Court’s order, and past his legally mandated curfew, inflicted vengeance and retaliatory criminal chaos upon the community of SE Washington (Wards 7 and 8).<sup>2</sup> (2) Sanquan’s brother, Orlando Carter, age twenty (20), education level of 9 years, was allegedly the head of a drug and gun crew at Sixth and Chesapeake Street, SE. Both Carter Brothers spent time in the custody of the D.C. Department of Youth Rehabilitation Services (“DYRS”) for violent and drug-related juvenile criminal histories. Sanquan Carter’s juvenile history is, allegedly, more violent than that of his older brother. Based on their juvenile and adult criminal activities and records, long before March 2010, both were familiar to and known by D.C. law enforcement agencies, especially the 7th and 8th Districts’ and the Drug Enforcement and Homicide Divisions of the D.C. Metropolitan Police Department. Years of social promotion and failure to evaluate, identify, and provide appropriate educational instruction and mental health services through

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<sup>1</sup>See Plaintiff’s Notice of Claim filed with the Office of the Mayor on September 30, 2010. All acts alleged within the Notice are incorporated by reference to this Complaint.

<sup>2</sup>“Carter’s release from custody just days before he allegedly shot and killed Jordan Howe over a costume bracelet is the norm for the District’s Department of Youth and Rehabilitation services,” according to an internal Attorney General’s report.

either the D.C. schools or mental health systems has compromised the Carters' academic and emotional health. (3) Nathaniel Simms, age twenty-six (26), is/ was a member of the crew, and is now cooperating with prosecutors. (4) Lamar Williams, age twenty-two (22), who on the night of March 21, 2010 gave Jeffrey Best and the Carter Brothers a .380-caliber pistol and 12-gauge shotgun kept in an apartment at 845 Chesapeake Street, SE. (5) Robert Bost, age twenty-two (22) and (6) Jeffrey Best, age twenty-one (21), both members of the drug-dealing crew, lived in a duplex in Washington Highlands, a violent crime ridden precinct in the 7<sup>th</sup> District ("7D"). (7) Unknown Defendant and cooperating witness, Jane Doe, also known as "Godmother", held and distributed to the shooters of the "South Capitol Street Massacre" an illegal weapon used to murder Brishell Jones and other victims named in this Complaint. (8) Unknown Defendant(s) John Doe assisted in the conspiracy to murder youths of Wards 7 and 8 during the cycle of shootings taking place between March 21 and March 30, 2010.

34. During a party at an apartment building in Congress Heights (at 1333 Alabama Avenue, SE) on the evening of March 21, 2010, Sanquan Carter lost a bracelet that sparked a cycle of retaliatory shootings lasting nine (9) days. Beginning early morning, just past midnight, on March 22, 2010, Sanquan Carter called his brother Orlando furious that someone had stolen his bracelet. Orlando arrived at 1333 Alabama Avenue, SE, with Nathaniel Simms and Jeffrey Best, armed with: (1) a 12-gauge shotgun, (2) a .380 handgun, and (3) an AK-47, purchased and registered in Maryland and reported stolen in Prince George's County in October 2009. During the course of events, this weapon was housed at both Orlando's 2232 Irving Street, S.E. "crash pad" and at 626 Brandywine Street, SE, in a duplex belonging to 'Godmother'. So armed, they

found people still gathered from the party, and opened fire into the group,<sup>3</sup> wounding two and killing Jordan Howe, age twenty (20). Among the items of evidence recovered were multiple AK-47 shell casings, .380 caliber shell casings, and unfired shotgun shells, which should have triggered the federal Bureau of Alcohol, Tobacco, and Firearms, and Explosives' (ATF's) involvement.

35. That on March 22, 2010, MPD investigated and interviewed eye witnesses to the March 21 shooting on scene and at the precinct. Based on their investigation, Sanquan Carter was positively identified on March 22, and Orlando Carter was identified no later than March 23.

36. Also, on March 22, 2010, members of the crew assaulted Tavon Lambert with intent to kill.

37. The next day, Tuesday March 23, 2010, at about 11:00 a.m., Sanquan Carter was arrested for Jordan Howe's murder. At about 6:02 p.m., on Tuesday, March 23, 2010, a police unit responded to the United Medical Center and located Orlando Carter suffering from gunshot wounds to head and shoulder. After reporting to police that he'd been shot at the corner of Sixth and Chesapeake Street, SE, perhaps by someone loyal to Howe, Orlando was medevacced by helicopter to Washington Hospital Center. He was admitted in stable condition, but subsequently without police interference or objection, he walked away from the hospital, allegedly after phoning Best to get rid of the AK-47 and 12-gauge shotgun stashed in his apartment on Irving Street, SE.<sup>4</sup>

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<sup>3</sup>Sanquan fired the .380 handgun. Orlando fired the AK-47. Jeffrey fired the 12-gauge shotgun.

<sup>4</sup>While referred to here as "Orlando's apartment," this apartment may have belonged to an Unknown Defendant a/k/a "Baby Boy" according to reports.

38. On information and belief, on March 23, 2010, officers of the Metropolitan Police Department (MPD) and U.S. Attorney Ronald Machen, Jr., had an opportunity to execute a search warrant of Orlando Carter's "crash pad" apartment<sup>5</sup> on Irving Street, SE, where it was believed the weapons used in the Howe shooting were located. While judges can authorize night searches in non-drug cases under exigent circumstances, that case was not made and law enforcement waited until the next day to execute it. MPD delayed the paper work and failed to stake out Orlando's apartment during the night, even though Orlando had walked away from the hospital, giving Best, Simms, and Williams plenty of leeway to hide the guns stashed in Orlando's apartment, i.e, the same guns used to murder Brishell Jones and other victims on March 30, 2010. By the time, MPD executed the search warrant the next day, on March 24, 2010, they, of course, found nothing usable to obtain an arrest warrant for Orlando Carter.

39. The Defendants AUSA and MPD failed to reasonably act to prevent harm, injury and death based on what they knew or should have known to be an ongoing dangerous situation as long as Orlando Carter was not off the street. Another opportunity to issue and authorize an arrest warrant took place on Friday, March 26 when Chief Lanier initiated an emergency meeting with U.S. Attorney Ron Machen on Friday. When Defendant Lanier asked for a warrant for Carter's arrest in the Howe homicide, Defendant U.S. Attorney Ron Machen refused claiming "lack of evidence" resulting in the foreseeable and proximate cause of Brishell Jones' death. The AUSA and Defendant DC law enforcement agencies had four(4) more days to get Orlando Carter off the street before he and his crew murdered 4 more Ward 7 and 8 youths and injured several others.

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<sup>5</sup>Possibly, "Baby Boy's" apartment, according to reports. For the purpose of this Complaint, hereinafter, the apartment on Irving Street, SE will be referred to as "Orlando's apartment."



40. On Tuesday, March 30, 2010 at 11:00 a.m., Jordan Howe's funeral service was held at St. Augustine's Catholic Church. Brishell Jones, Devaughn Boyd, and William Jones attended the service; and, after the funeral, at least 15 youths congregated at 4022 South Capitol Street, SE. Also after Howe's funeral, Orlando Carter, and Nathaniel D. Simms drove a rented minivan searching for targets they thought were involved with Sanquan's missing bracelet and the retaliatory shooting of Orlando (on March 23), armed with the same weapons (including the AK-47 used to murder Howe, and the .380 handgun, and 12-gauge shotgun used previously in the shooting at 1333 Alabama Avenue, SE, on March 21. In an attempt to obtain additional firearms on March 30, the criminal defendants gunned down Tavon Nelson at the Wingate Garden Apartments on Galveston, SE. an attempt to rob him of his illegally owned handgun. While they did not obtain the handgun, Nelson died as a result. This shooting was called into police prior to the drive by shooting. Upon arriving at 4022 South Capitol Street, SE, the three gunman fired indiscriminately from the van into the crowd.

41. At approximately 7:20 p.m., the Metropolitan Police Department found multiple victims at 4022 South Capitol Street, SE, three females and six males suffering from gunshot wounds who were transported to area hospitals. None of them were medevaced. One victim died at the scene, one was dead on arrival at the hospital, and the third died in the operating room at Washington Hospital Center.

42. While Orlando Carter was medevaced to Washington Hospital Center, his victims on March 30 were not afforded the same emergency life-saving attention. Three ambulances were dispatched to the scene of the crime. Ironically, the ambulance closest to the scene that would have had the most impact on saving the lives of the critically injured African American youths of

Wards 7 and 8 was the last to arrive. Instead of dispatching to the scene when it first received the emergency call, the ambulance operators chose to run personal errands.

43. Although there were closer hospitals, Brishell Jones, who was only sixteen (16) years old, was transported to Washington Hospital Center and pronounced dead by Dr. Sava at 8:14 p.m..

44. Dr. Revercomb, of the Office of the Chief Medical Examiner for the District of Columbia, determined that Brishell died of a gunshot wound to the head and determined the manner of death was a homicide.

45. DeVaughn Boyd, eighteen (18), William Jones, III, nineteen (19), and Tavon Nelson, seventeen (17) were also murdered.

46. Meanwhile, the Metropolitan Police Department chased the silver minivan used for the drive-by shooting, bearing Virginia tag XRN8075. During the pursuit, an MPD officer observed an occupant of the vehicle throw a weapon from the vehicle and notified the dispatcher, continuing pursuit up to the point where the occupants bailed out of the van. Two subjects were apprehended and later identified as Orlando Carter and Nathaniel Simms.

47. The discarded weapon was later recovered and determined to be an AK-47 assault rifle with a shoulder strap bearing the markings: ROMARM, CA 4376-70RO-762x39.

48. Several caliber 7.62 x 39 mm (AK-47) shell casings were recovered from the floor of the minivan.

49. Orlando Carter was charged with Murder II While Armed in connection with the death of Jordan Howe and Murder I While Armed in connection with the shooting deaths of Brishell Jones, Devaughn Boyd, and William Jones. Nathaniel Simms was charged with Murder I While Armed in connection with the shooting deaths of Brishell Jones, Devaughn Boyd, and William

Jones. Sanquan Carter was charged with Second Degree Murder While Armed in the death of Jordan Howe.

**COUNT ONE**  
**VIOLATION OF TITLE 42 U.S.C. §1983 : SUBSTANTIVE AND PROCEDURAL DUE**  
**PROCESS VIOLATIONS**

50. That Count One incorporates by reference paragraphs One through Forty-Nine of the Complaint.

51. Claims under 42.U.S.C. §1983 may be pursued if there is a state created danger theory exception to the general rule. A plaintiff must show there was a violation of a right under the constitution or federal law and that the violation was committed by a person acting under color of state law. The basic requirements to be met are: 1) the harm was foreseeable; 2) there was an affirmative state action that created or increased the risk to the victim; 3) there was a relationship between the state and the plaintiff that created a special danger to the victim as opposed to the public at large; and 4) there was a requisite degree of state culpability, typically deliberate indifference, in which the state actors used their authority to create an opportunity for the third party or private harm or rendered the individual more vulnerable to the danger.

52. The circumstances under which Brishell was murdered, resulted directly and/or indirectly from Defendant D.C. government agencies', their directors', agents', and employees' customs, practices, and culture of action and inaction based on a policy of selective enforcement of respective agencies' responsibilities, discriminatory practices, delay, and/or failure to act based on D.C. law, agency regulations, and equal protection under state and federal law.

53. The District of Columbia's elected executive and legislative officials' and Defendant D.C. government

agencies', their directors', agents' and employees' deliberate and indifferent city policy, custom, and practice of placing a lesser value on the lives of African American youths living in Wards 7 and 8 to a marked degree and over an extended period of time resulted in reduced, delayed, sabotaged, and inferior quality provision of safety, health, welfare services pursuant to D.C. laws that created and fueled a particular danger for Brishell Jones and youth similarly situated and were substantial factors and the proximate cause in bringing about the foreseeable harm, injury and death of Brishell Tashé Jones on March 30, 2010.

54. The District of Columbia's elected executive and legislative officials and Defendant D.C. government agencies', their directors', agents' and employees' failure, custom, and practice was not to take reasonable steps to adequately train its employees. The city policy caused lack of effective inter- and intra-agency coordination, poor leadership, and execution of strategies, poor and irresponsible decision-making and follow through, incompetence, delays, and omissions amounting to failed exercise of reasonable care across the board and at critical junctures to prevent the foreseeable harm, injury, and death of Brishell Tashé Jones on March 30, 2010. The poor and failed execution of the numerous duties assigned to the many specific officers, agents, and employees within the AUSA and D.C. Defendant government agencies stemmed from the District's, AUSA's, and Defendant D.C. government agencies', their directors', agents', and employees' obvious and deliberate indifference to the need for more and improved training and supervision. This policy of indifference to the need for training and supervision was a substantial factor and proximate cause to the ultimate, harm, injury and death of Brishell Jones on March 30, 2010 and other victims starting March 22 through March 31, 2010.

55. Defendant federal and D.C. government agencies, their directors', agents' and employees' affirmatively acted in a way as to increase the risk of and actual danger resulting in Brishell Jones' harm, injury, and death.

56. Based on the combination of what they knew and should have known, their deliberate indifference, their selective intentional acts and omissions; and, the nature of the violence and manner in which the retaliatory mayhem unfolded between March 21 through March 30, 2010, the Defendant AUSA and D.C. government agencies, their directors', agents' and employees' conduct was so egregious and so outrageous, that it shocks the contemporary conscience.

**COUNT TWO**  
**WRONGFUL DEATH, SURVIVAL, AND LOSS OF CONSORTIUM**

57. That Count Two incorporates by reference paragraphs One through Fifty-Six of the Complaint.

58. Brishell Tashé Jones, a former resident of Washington, D.C., died on March 30, 2010, at age sixteen (16) years old from multiple gunshot wounds from the AK-47 used by Orlando Carter and/or other named criminal defendants, the result of a preventable, retaliatory drive-by shooting at 4022 South Capitol Street, SE, in Ward 7 of the District.

59. Nardyne Jefferies and Lennox Jones are the surviving parents of Brishell T. Jones.

60. Brishell was the sole child of Ms. Nardyne Jefferies and the love of her life.

61. On September 17, 2010, Ms. Jefferies was issued *Letters of Administration* from the Probate Division of the Superior Court of the District of Columbia, granting her full powers as the Personal Representative, over the Estate of Brishell Tashé Jones, Administrative No. 2010 ADM 00938.

62. The cause and circumstances under which Brishell was murdered resulted directly and/or indirectly from an ongoing series of long and short term decisions, actions, and/or inactions rising to the level of noncompliance with state and federal law (including DC's Mandatory Juvenile Public Safety Notification Act, DC Firearms Control Regulation Act (Bill 17-843), DC Firearms Control Emergency Amendment Act (DC 17-422), DC Enhanced Crime Prevention and Abatement Emergency Act of 2006, Firearms Registration Amendment Act, and DC Human Rights Act), negligence and/or incompetence by private gun manufacturer(s) (including ROMARM), gun distributor(s), and above referenced Defendant federal (AUSA) and D.C. government agencies, their directors, agents, and employees.

63. As a direct result and proximate cause of the Defendants AUSA and D.C. government agencies', their Directors', agents', and employees' gross negligence, intentional disregard, and breach of their duties, their acts and omissions/ failures to act while working within the scope of their employment as the District's agents, servants, and/or employees caused Ms. Jefferies (and Mr. Jones) to be deprived of her smart, kind, and loving daughter, her sole heir, and benefits that one would have reasonably expected to have received from an only child (daughter), including but not limited to love, attention, care, companionship, comfort, society, protection, affection, solace, moral support, physical and emotional assistance in the operation and maintenance of the home, financial support, and services.

64. As a further direct and proximate result of the death of the deceased, under the Code of DC Estates and Trusts, Ms. Jefferies as the Personal Representative on behalf of Brishell's Estate has a right of action for wrongful and negligent conduct against defendants, and Plaintiffs have incurred reasonable and necessary expenses for decedent's funeral, burial, and memorial services

to their damage in a presently unascertained sum. Plaintiffs request permission to insert the amount when it is finally determined.

65. Under the D.C. Survival Act, Brishell Jones, minor decedent, has a right of action for the pain and suffering she endured as a direct result of being shot in a retaliatory event that would have been prevented had the AUSA and DC Defendant Agencies referenced above not been grossly negligent and recklessly irresponsible in their regard for human lives, and had instead, reasonably performed their functions and done their jobs.

66. Defendant Agencies, their directors, agents, and employees had advance notice of the fatal pattern and practice of retaliatory shootings, and of the specific circumstances and problems that, if not addressed, were almost certain to result in injury or death to Brishell and victims like her, namely innocent, black youth in Wards 7 and 8, a protected class of citizens within the District, as legislated by the D.C. Enhanced Crime Prevention and Abatement Emergency Amendment Act of 2006, the Mandatory Juvenile Public Safety Act, and the D.C. Youth Development Strategy Implementation Plan.

67. Plaintiffs are informed and believe, and on the basis of that information and belief allege, that each of the defendants was in some manner negligently and proximately responsible for the events and happenings alleged in this complaint and for plaintiffs' damages.

68. Plaintiffs are informed and believe, and on the basis of that information and belief allege, that at all times mentioned in this complaint, defendants were the agents and employees of the District of Columbia (and the federal government as it pertains to AUSA), and in doing the things alleged in this complaint, were acting within the course and scope of that agency and employment.

**COUNT THREE:**  
**GROSS NEGLIGENCE AND NEGLIGENCE**

69. That Count Three incorporates by reference paragraphs One through Sixty-Eight of the Complaint.

70. Based on certain Federal and D.C. generated commissions, studies, and reports, general and D.C. location specific patterns, statistics, and recommendations have been made over an extended period of time and leading up to March 30, 2010, pertaining to crime-related activities, prevention of youth violence, reduction in juvenile and adult recidivism, specifics on gun trafficking patterns and possession in D.C. and monitoring juvenile activity, etc. The Defendant D.C. government agencies were on notice, knew, or should have known of these facts, patterns, statistics, and recommendations, and had affirmative duties to act accordingly (for instance, to rely on and incorporate findings for purposes of designing long and short term agency policies, strategies, and mandates). On the contrary, AUSA and Defendant D.C. government agencies, directors, agents, and employees failed to adequately heed and incorporate the information and recommendations into customs, policies, practices and /or prevention strategies and measures. The failures caused foreseeable injury and death to Brishell Jones on March 30, 2010. See DC Youth Strategy and Implementation Plan, legislation specifically designed to protect an increasing class of young victims of armed violence in Wards 7 and 8.

71. Defendants AUSA and D.C. government agencies, their directors, agents, and employees, and in particular, DYRS (and their agent Peace Abode) failed to exhibit and exercise reasonable care when they adopted, developed, promoted, endorsed, operated, and implemented an inferior, failed system and model of “transitional community home” placements for adjudicated and



committed juveniles; such as and including Sanquan Carter, charged with felonies and/or violent crimes, resulting in reduced and jeopardized safety, welfare, and security for Brishell Jones and African American teens similarly situated living in Wards 7 and 8 from March 21-30, 2010.

72. On March 21, 2010, Defendant federal and D.C. government agencies, their directors, agents, and employees, and in particular Department of Youth Rehabilitation Services (“DYRS”) and Director Vincent Schiraldi; Court Services and Offender Supervision Agency for the District of Columbia (“CSOSA”) and Director Adrienne Poteat; and law enforcement party Defendants MPD and Chief Cathy Lanier; the Office of Attorney General and D.C. Attorney General Peter Nickles; Assistant U.S. Attorney and D.C. US Attorney Ronald C. Machen, Jr.; and the D.C. Superior Court System, Family Division; knew or should have known that Sanquan Carter had a pending juvenile record, involvement with weapons, and was arrested and charged with carjacking while armed. Notwithstanding, the aforementioned Defendants failed to adequately exercise their respective duties of care and take reasonable steps to ensure Sanquan Carter’s pre-trial detention in either the juvenile and/or adult criminal justice systems and per the Enhanced Crime Prevention and Abatement Emergency Amendment Act of 2006, DC Act 16-446. Defendant law enforcement agencies failed to adequately and aggressively prevent his removal from a halfway house and placement in the lesser restrictive “transition community home” Peace Abode (pursuant to D.C. Code § 16-2310), despite the fact he was a “danger to the community”.

73. From March 21, 2010 through March 30, 2010 and prior thereto, Defendant D.C. government agencies, their directors, agents, and employees, in particular Department of Youth Rehabilitation Services (“DYRS”) and Director Vincent Schiraldi; Court Services and Offender Supervision Agency for the District of Columbia (“CSOSA”) and Director Adrienne Poteat; and

law enforcement party Defendants MPD and Chief Cathy Lanier; and the Office of Attorney General and D.C. Attorney General Peter Nickles; and Assistant U.S. Attorney and D.C. US Attorney Ronald C. Machen, Jr.; failed to comply with both the Mandatory Juvenile Public Safety Notification Amendment Act of 2006 and the Enhanced Crime Prevention and Abatement Emergency Amendment Act of 2008, both of which were specifically designed to prevent armed violence against youths living in Wards 7 and 8. This negligence by the Defendants set in motion the on-going sequence of violent events over a ten day period of time that directly and proximately caused permanent injuries and damages to the plaintiffs including loss of Brishell Jones' life, past and future pain, loss of consortium, and enjoyment of life for Nardyne Jefferies and other compensable injuries and damages.

74. As of Monday, March 22, 2010, Defendant D.C. government agencies, their directors, agents, and employees, including, DYRS and Director Vincent Schiraldi and in particular law enforcement party Defendants MPD and Chief Cathy Lanier; and the Office of Assistant U.S. Attorney and D.C. US Attorney Ronald C. Machen, Jr., had notice and eye witness information, and therefore, knew and/or should have known that Sanquan Carter, Orlando Carter, Jeffrey Best, Nathaniel Simms, and Lamar Williams obtained, possessed, and used illegal guns in violation of the Firearms Registration Amendment Act of 2008 during their involvement and commission of Jordan Howe's murder and Tavon Lambert's assault with intent to kill.

75. Pursuant to D.C. government legislation, policies, customs, practices and strategy plans, Brishell Tashé Jones was a member and beneficiary of a statutorily protected class which triggered a "special relationship" with and imposed an increased duty of care by Defendant D.C. government agencies, their directors, agents, and employees including the D.C. Metropolitan

Police Department and other law enforcement agencies. Applicable statutes, regulations, and administrative documents include and are incorporated by reference:

- D.C. Youth Development Strategy Implementation Plan, December 2005
- Mandatory Juvenile Public Safety Notification Amendment Act of 2006
- Omnibus Public Safety Amendment Act 2009
- Enhanced Crime Prevention and Abatement Emergency Amendment Act of 2008;
- Records Access Emergency Amendment Act of 2009.

76. Defendants AUSA and D.C. government agencies, their directors, agents, and employees, and in particular law enforcement agencies were required by statutes, regulations, and policies to take particular actions for the benefit of Brishell Jones and African American youth similarly situated, but failed to do so and/ or did so in a negligent manner. Prior to and on March 30, 2010, Brishell Jones justifiably relied to her detriment on the Defendants' agencies' duty to act.

77. The fact that Juvenile Justice stakeholders agreed to endorse and implement a disposition model relying on lesser restrictive community placements for adjudicated/ committed youth with and without violent criminal records mandated MPD to create and impose corresponding law enforcement strategies and tactics to monitor and maintain closer supervision of released respondents with the overall intent and goal of increased safety and protection measures for the youth and communities exposed to respondents and their behaviors on a daily basis.

78. There was a chain of negligent acts that can be attributed to D.C. government officials, agencies, and employees working within their scope of employment based on customs, practices, and culture of action and inaction which created the circumstances that ultimately resulted in Brishell Jones being murdered.

79. Based on the fact that the victims and defendants (all African American Wards 7 and/or 8) involved in the random mass murder and woundings, the aforementioned government agencies, particularly MPD (in obtaining and executing the search warrant and surveiling Orlando Carter in the interim) and EMS (in responding to the scene of the March 30 shooting, issuing expedient life-saving treatment and care, and timely dispatching victims of the shooting to the closest hospitals), had a duty to Brishell, the other murdered and wounded, and all the residents, of the District of Columbia to act in a non-discriminatory or arbitrary manner in performing their duties, providing their services, and protecting their citizens. However, based on the facts, as a direct result and proximate cause of this breach of its duty by either negligently or intentionally failing to act, or acting in an untimely fashion, or acting in a manner that created and/or increased the danger and as a direct and probable cause thereof, put Brishell Jones and others congregated with her on March 30, 2010 in harms way.

80. The aforementioned AUSA and D.C. government officials and employees failed to meet the duties required of them as professionals who are bound by a professional code of conduct. These transgressions, specifically: (1) the failure of DYRS to supervise known drug dealers and criminals with various gun and assault charges; (2) law enforcement knowingly anticipating that there would be a cycle of retaliatory violence following the March 22 murder of Jordan Howe, and yet, not enforcing a search warrant for the AK-47 assault rifle; (3) even with the knowledge gained by Reverend Motley and East of the River Clergy (as members of the Violence Intervention Partnership (VIP)), and established processes and protocols for homicides in Wards 7 and 8, there was still a failure to protect potential victims (i.e., attendees of Howe's funeral);

and also, (4) a failure to communicate with the community to prevent a massacre that was imminent, impending, and highly likely.

81. The defendants arrested and charged with Brishell's murder were all D.C. residents and were known by D.C. law enforcement agencies (including, but not limited to MPD, DYRS, CSOSA, AG, AUSA, DMH, DCPS) prior to and on March 30, 2010 for having violent criminal dispositions and propensities when Brishell Jones and other aforementioned innocent victims were murdered. Defendant Agencies also knew or foreseeably should have known that the criminal defendants involved herein were intent on retaliatory violence upon friends and associates of Jordan Howe. Therefore, the Defendants' reputations for violent behavior, drug possession and distribution and trafficking, possession and use of illegal firearms in the District of Columbia should have also been known by these government agencies, administrators, and employees.

82. As law enforcement personnel in the District of Columbia, given their knowledge of the criminal defendants' background and possession and likelihood of using illegal guns in retaliation, and that imminent injury to third parties was highly likely and foreseeable, Defendant Agencies had a duty to act expeditiously to prevent aforementioned injury/ shooting.

Nonetheless, they failed to: (1) detain Orlando Carter at the hospital; (2) timely obtain and execute a search warrant for Orlando Carter's apartment; (3) timely obtain and execute an arrest warrant for Orlando Carter; (5) adequately surveil Orlando Carter, his crew, and his apartment while waiting to execute the search warrant; (6) monitor attendees of Jordan Howe's funeral and repast in anticipation of the retaliatory violence they knew would happen and could have been prevented.

**COUNT FOUR:**  
**STATE-CREATED AND RECKLESS ENDANGERMENT/ DELIBERATE**  
**INDIFFERENCE**

83. That Count Four incorporates by reference paragraphs One through Eighty-Two of the Complaint.

84. Reckless Endangerment is behavior leading to a substantial risk of another person's injury or death. As a direct result and proximate cause of the behaviors, actions, gross negligence, intentional disregard, breach of their duties, and omissions/ failures to act while working within the scope of their employment as the District's agents, servants, and/or employees, Brishell Jones was placed at substantial risk of injury and death. The risk increased and was particularly heightened and foreseeable between March 21 and 30, 2010.

85. Based on the Inspector General's Report, DCMPD Chief Cathy Lanier, and all other named Defendant Agencies, Directors, their agents, and/or employees had advance notice of the fatal pattern and practice of retaliatory shootings and established standard operating procedures which, if not violated, would have prevented the shooting that murdered Brishell.

86. The specific acts and or omissions of all identified Defendants and in particular, law enforcement agencies and agent participants, in light of the information and knowledge that they knew or should have known, they placed Brishell Jones in direct harms way causing foreseeable risk of injury and death. The circumstances under which Brishell Jones was murdered on March 30, 2010 along with three (3) other similarly situated young African American youth, all residents of Ward 7 and/or 8 in Southeast D.C. was preventable. Even during interviews and televised briefings, the District of Columbia's MPD Chief Cathy Lanier publicly admitted that the retaliatory shooting on March 30 resulting in Brishell's death was "preventable". Here,

Defendant Agencies knew of and disregarded an excessive risk to Brishell's and other victims' health and safety. Defendant Agencies' subsequent actions in releasing Sanquan Carter back into the community after a felony on March 20, not ensuring Sanquan's placement into a detention center or facility, not enforcing Sanquan's curfew, allowing Orlando Carter to walk away from the hospital on March 23 after DC MPD officers had talked to and identified him, and delaying execution of the search warrant obtained for Orlando Carter's apartment created and/or increased the danger in which Brishell and other victims of the March 30 shooting were placed.

87. Prior to March 22, 2010, Sanquan Carter was arrested and charged with carjacking while armed in the District of Columbia. Based on this offense, Sanquan Carter should have been detained as a danger to the community as either a juvenile or an adult, prior to March 22, and according to D.C. Code provisions governing juvenile and/or adult incarceration pending trial. Instead, according to reports, on March 21, 2010, just one day before Jordan Howe was shot and killed, Sanquan Carter was ordered released from a halfway house and placed at Peace Abode, by DC Superior Court Judge Lynn Leibovitz. The murder of Jordan Howe on March 22 was the first murder that started the wave of violence ending and directly connected to the retaliatory drive-by shooting on March 30, 2010 that claimed sixteen (16) year old Brishell Jones' life.

88. The AUSA's and District government's policy of selective enforcement of respective agencies' responsibilities and their failure to act based on D.C. law, agency regulations, and equal protection under state and federal law when the agencies had a duty to act, and either negligently or intentionally failed to act, acted in an untimely fashion, or acted in a manner that created and/or increased a substantial risk that Sanquan Carter's, Orlando Carter's, Jeffrey Best's, Nathaniel Simms', Lamar Williams', and Robert Bost's conspiratory behavior would

cause the death of Jordan Howe and injure others gathered the night of March 21, 2010 after partying in Congress Heights, and continuing a week later on March 30, 2010, after Howe's funeral as a drive-by attack on South Capitol Street, SE.

**COUNT FIVE:**  
**EGREGIOUS INCOMPETENCE**

89. That Count Five incorporates by reference paragraphs One through Eighty-Eight of the Complaint.

90. Chief Cathy Lanier and MPD failed to timely enforce / execute a search warrant for the AK-47 assault rifle used in the March 22 murder and the related retaliatory massacre on March 30.

91. Chief Cathy Lanier and MPD failed to supervise known drug dealers and criminals with various gun and assault charges, knowing retaliation for March 22 shooting was imminent, impending, and highly likely. And, the aforementioned also failed to protect victims/attendees of Jordan Howe's funeral, regardless of knowledge gained by the Violence Intervention Partnership, including Reverend Motley and East of the River Clergy, and established processes and protocols for homicides in Wards 7 and 8.

92. Chief Lanier and MPD failed to communicate with the community to prevent the massacre.

93. Chief Lanier and MPD failed to secure Orlando Carter, in spite of knowledge, that he was intent on imminent, retaliatory violence.

94. Chief Lanier and MPD failed to deploy police officers flexibly and more quickly, i.e. enhance deployment in light of the circumstances surrounding the shootings on March 22.



95. Lanier and MPD executed a poor and inadequate investigation which, more likely than not, could have prevented the March 30 shootings altogether.

96. There had been a surge of gun violence stemming directly from the March 22 shooting resulting in Jordan Howe's death. A second shooting victim was located in the 1300 block of Alabama Avenue, SE, and transported to Howard University Hospital; and, a third shooting victim was treated for non-life threatening injuries at another area hospital. The following day, March 23, about 6:02 p.m., police responded to a shooting in the area of 6th and Chesapeake Streets, S.E. They were advised by a dispatcher that the victim of the shooting was driven to the hospital. A police unit responded to the United Medical Center and located the defendant Orlando Carter. He was later transported by helicopter to the Washington Hospital Center. After being admitted, he subsequently walked away from the hospital "in an unknown direction".

97. Clearly, there was a failed implementation of the DC curfew laws as well as other violations of the 'Enhanced Crime Prevention and Abatement Emergency Amendment Act of 2006' on March 21 and 22 which allowed Sanquan Carter to move around freely and eventually conspire with his 'crew' to commit the mayhem on the 1300 block of Alabama Avenue, S.E. that resulted in the shooting death of Jordan Howe and the wounding of two others. Eye witnesses at the scene of Howes' homicide identified from photos Sanquan Carter patting people down and searching them for his bracelet, while the driver of the vehicle, later identified as Sanquan's brother Orlando, held them at gunpoint. This failure, those violations, and the lack of police presence and monitoring to prevent Orlando from just walking away from the hospital would eventually lead to more retaliation, more wounding and death, including that of Brishell Jones on March 30.

**COUNT SIX:**  
**EQUAL PROTECTION VIOLATIONS**

98. That Count Six incorporates by reference paragraphs One through Ninety-Seven of the Complaint.

99. The victims and defendants involved in the mass murder and woundings were African American youths in the District of Columbia where there exists a culture of action and inaction based on irresponsible judgment and decision-making; negligence; gross negligence; willful disregard; racial discrimination; and deliberate indifference to their safety and welfare.

100. The AUSA's and District government's policy of selective enforcement of the aforementioned agencies' responsibilities is/ was based on discriminatory practices and failure to act based on D.C. law, agency regulations, and equal protection under state and federal law.

101. The aforementioned D.C. government agencies had a duty to act, and either negligently or intentionally failed to act, acted in an untimely fashion, or acted in a manner that created and/or increased the danger, putting Brishell Jones, a member of the protected class of African American youths of Wards 7 and 8, in harms way on March 30, 2010.

102. But for the Defendant federal and District government officials', agencies', and employees' customs, practices, and longstanding policies instituted and sanctioned by the District of racial discrimination and deliberate indifference to the safety, welfare, and lives of African American youths in the District of Columbia, Brishell Jones and the other victims of the March 30 drive-by shootings, were deprived of the rights, privileges, and immunities guaranteed to them by the Constitution of the United States. Those policies caused Brishell Jones' death, coupled with the other allegations in this Complaint of the District's negligence, and the

negligence of its agents, servants, and employees, who were working within the scope of their employment while performing the negligent and unlawful acts alleged herein.

**COUNT SEVEN:**  
**RACE DISCRIMINATION**  
**Title VII of the Civil Rights Act of 1964**  
**VIOLATION OF THE D.C. HUMAN RIGHTS ACT OF 1977**

103. That Count Seven incorporates by reference paragraphs One through One Hundred Two of the Complaint.

104. Despite the fact that it is unlawful to discriminate against persons on the basis of their race, stereotypes, or assumptions about their racial group, place of residence, familial status, and source of income, Defendants AUSA and District Agencies did just that.

105. Brishell Tashé Jones, the other three victims and wounded, and all the defendants were/ are African Americans ranging in ages from sixteen to twenty-two (16-22) whose residency was/is in Wards 7 or 8 in Southeast Washington D.C., where there is a history of discrimination, isolation, and a failure to respond to and/or protect the community.

**COUNT EIGHT:**  
**EXECUTIVE ABUSE OF AUTHORITY/POWER**

106. That Count Eight incorporates by reference paragraphs One through One Hundred Five of the Complaint.

107. Because of discrimination and the failure to protect the community, Mayor Fenty, AUSA (and its Director), and aforementioned D.C. government officials exercised their powers in an arbitrary and/or capricious manner that resulted in the tragedy referred to as the ‘South Capital Street, Massacre’ in which Brishell Jones and three (3) other victims lost their lives and six (6) others were shot and wounded.

**COUNT NINE:**  
**DYRS' FAILURE TO SUPERVISE JUVENILES AND FAILURE TO NOTIFY IN**  
**VIOLATION OF MANDATORY JUVENILE PUBLIC SAFETY NOTIFICATION ACT**  
**OF 2006**

108. That Count Nine incorporates by reference paragraphs One through One Hundred Seven of the Complaint.

109. Much of the youth violence and homicides in the District can be traced back to youth that were under the custody and supervision of DYRS. The City assumes responsibility for youth whose cases have been adjudicated by the Superior Court after being found guilty of a crime and then committed to DYRS. The Disposition of the case is in the hands of DYRS; however, DYRS has often been criticized for its high rate of juvenile absconders from its community based rehabilitation facilities.

110. On March 21, 2010, Sanquan Carter was supposed to be under court supervision. (Both Sanquan Carter and his brother Orlando Carter had juvenile arrest histories and had spent stretches in the custody of DYRS.) Two days earlier, a D.C. Superior Court judge said Sanquan could be transferred from a halfway house to Peace Abode while his felony trial was pending for allegedly carrying a pistol in a carjacked Mercury. However, on that Sunday night of March 21, he was absent from Peace Abode, partying, instead, in Congress Heights at 1333 Alabama Avenue, SE, where the bracelet went missing that would become the subject of the “violent retribution.”

111. DYRS could have prevented Sanquan Carter from being released from jail in March and, because it did not, Sanquan was free to shoot and kill Jordan Howe. Sanquan had served time for several adult convictions. However, DYRS procedures and practices favor release to the

community without regard to the youth's needs, prior criminal acts, or potential for re-offending. In fact, with regard to Carter, DYRS failed to put a hold on him or given the opportunity to detain him when he was released on the 'adult charge'. In December 2009, DYRS was aware of the adult convictions and had convened a meeting regarding Carter's rehabilitation. Regardless, Carter was released because DYRS did not notify D.C.'s adult probation agency of the need to send Carter back into DYRS' custody.

112. But for DYRS' failure to supervise and protect the D.C. community from Sanquan Carter on the evenings of March 22, 2010 when Jordan Howe an innocent bystander was killed and Tavon Lambert was assaulted with intent to kill), leading to the foreseeable night of March 30, 2010 when Tavon Nelson, and mourners William Jones, III, Devaughn Boyd, and Brishell Jones were killed after Howe's funeral, which retaliatory violence may have been avoided.<sup>6</sup>

113. Violent crimes committed by juveniles in the District is a significant problem. The Mandatory Juvenile Safety Notification Act ('The Act') of 2006 was passed in order to address this growing concern. The Act orders the Director of DYRS to provide notice to the Chief of MPD of any assignment or placement of respondents committed to the Department or in any Department facility, congregate care facility, family, or family surrogate placement. This requirement is limited to respondents who have been adjudicated of a crime of violence and offenses involving a firearm. Such notice shall be given as practicable prior to the assignment or placement. With regard to the Carter brothers, and in particular, Sanquan Carter, DYRS was in violation of this Act when it failed to supervise them and protect the D.C. community from their criminal conduct.

114. Additionally, pursuant to the Records Access Emergency Amendment Act of 2009, Crises Response Team, formerly the MPD-Clergy Response Team, was never or not timely notified or alerted by MPD and/or DYRS of the circumstances of the March 22 shooting involving Sanquan Carter. The following organizations/agencies should have been alerted:

- East of the River Clergy, Community Partnership, Inc.
- Peaceoholics, Inc.
- Alliance of Concerned Men, Inc.
- H.I.C.K.S.
- William Wendt Center (Crises Response Team)
- Ceasefire Don't Smoke the Brothers and Sisters
- Roving Leaders (Department of Parks and Recreation)
- Court Services and Offender Supervision Agency (CSOSA)(they monitor adults-should have been monitoring Orlando and other adult "shooters" if convicted of adult crimes prior to 3-22-10)

115. With regard to DCPS and Dept. of Mental Health (DMH), functioning below grade level and angry violent behavior (as displayed by both Sanquan and Orlando Carter), is indicative of the District's failure to provide appropriate education and mental health services over a long period of time.

**COUNT TEN:**  
**VIOLATION OF D.C.CODE § 16-2332 (d-1)(1)**

116. That Count Ten incorporates by reference paragraphs One through One Hundred Fifteen of the Complaint.

117. That D.C. Code §16-2332(d-1)(1) permits, subject to statutory limitation, the inspection of Sanquan Carter's juvenile social records to assign accurate and appropriate risk assessments reflecting the seriousness of their offenses, the extensiveness of their criminal backgrounds, or their potential danger to the D.C. community that would have at least prevented Sanquan from

being released onto the streets of D.C. to commit further, similar acts of gun-involved/related violence.

118. There also was a failure of inter-agency coordination and information /record sharing among: the DC MPD, the Office of the AUSA, the AG, Department of Human Services (DHS), Youth Services Administration (YSA), Division of Court and Community Programs, the Court Services and Offender Supervision Agency (CSOSA) for the District of Columbia, the Criminal Justice Coordinating Council (CJCC), and DYRS that could have prevented the retaliatory violence referenced herein.

**COUNT ELEVEN:**  
**FAILURE TO ENFORCE D.C. GUN AND AMMUNITION LAWS**  
**PURSUANT TO THE D.C. CODE, FIREARMS CONTROL REGULATIONS ACT OF**  
**1975,**  
**FIREARMS REGISTRATION AMENDMENT ACT OF 2008**

119. That Count Eleven incorporates by reference paragraphs One through One Hundred Eighteen of the Complaint.

120. Defendant D.C. government agencies, their directors, agents, and employees, and in particular Defendant law enforcement agencies (including, but not limited to MPD, DYRS, CSOSA, AG, AUSA) failed on its own and/or in collaboration with federal agencies to adequately legislate, regulate, oversee, enforce, or implement D.C. and Federal gun laws intended to protect and ensure public safety of the residents of the District of Columbia.

121. Defendant D.C. government agencies', their directors', agents', and employees' failure to adequately prevent and/or reduce the likelihood that known violent misdemeanants, felons, drug dealers, and overall dangerous persons can/did obtain firearms and failure to reasonably prevent

negligent supply, possession, transfer, and repeated criminal use of illegal firearms and ammunition resulted in foreseeable harm, injury, and death to Brishell Jones.

122. Defendant D.C. government agencies, their directors, agents, and employees, legislated, implemented and carried out gun laws in a manner involving and increasing the unreasonable risk of injury and/or death to Brishell Jones and others.

123. From March 21, 2010, it was reasonably foreseeable to Defendant D.C. government agencies, their directors, agents, and/or employees, and they knew or should have known based on the circumstances surrounding and leading up to Brishell's murder, that certain factual scenarios would play out, including: continued unreasonable and illegal possession, use, and transfer of firearms; that the firearms would be used in a manner involving unreasonable risk of physical injury to others; and, that others would be foreseeably wounded and or killed.

124. Defendants AUSA and D.C. government agencies, their directors, agents, and/or employees, and in particular Defendant law enforcement agencies (including, but not limited to MPD, DYRS, CSOSA, AG) failed to adequately and timely notify and involve the Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF") to investigate and provide ballistics information and trafficking patterns on the illegal firearms used to injure, harm, and kill on March 22, 2010 through the foreseeable and preventable death of Brishell Jones on March 30, 2010.

**COUNT TWELVE:**  
**FAILURE TO ENFORCE STATE AND FEDERAL HOUSING AUTHORITY**  
**REGULATIONS**  
**PURSUANT TO 42 USC § 1437(f) AND**  
**THE D.C. RENTAL HOUSING ACT: D.C. Code §42-3602**



125. That Count Twelve incorporates by reference paragraphs One through One Hundred Twenty-Four of the Complaint.

126. That Defendant D.C. government agencies, their directors, agents, and employees, and in particular, Defendant D.C. Housing Authority (DCHA) knew or should have known about illegal activity (e.g., use of premises for drug use, sale, and proliferation; unlawful gun and assault weapon possession; and statutory rape) taking place on/in owned, operated, or financially assisted property under its control, including those located on/in Brandywine and Chesapeake Streets, S.E., Congress and Garfield Heights, Washington Highlands, and Wingate Garden Apartments on Galveston Street, S.E.; and, failed to monitor, scrutinize, regulate and/or enforce eviction standards to protect the residents and housing community or timely report illegal activity to DC and/or Federal law enforcement agencies.

**COUNT THIRTEEN:**  
**FRAUD, WASTE AND MISUSE OF FEDERAL FUNDS**

127. That Count Thirteen incorporates by reference paragraphs One through One Hundred Twenty-Six of the Complaint.

128. The Justice Grants Administration gave Peaceaholics grant funds to run Peace Abode, the residence where Sanquan Carter was housed, but they failed to supervise Carter according to the terms of his probation and to make sure the grant funds were used and administered according to the law and in an effort to keep D.C. residents (particularly those of Wards 7 and 8) safe.

**COUNT FOURTEEN:**  
**INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

129. That Count Fourteen incorporates by reference paragraphs One through One Hundred Twenty-Eight of the Complaint.

130. Due to AUSA's and D.C. government officials', agencies', and employees' customs, discriminatory practices, culture of action and inaction, selective enforcement of responsibilities, failure to act based on D.C. law, agency regulations, and equal protection under state and federal law, irresponsible judgment and decision-making, negligence, gross negligence, willful disregard, deliberate indifference to the safety, welfare, and lives of African American youths in the District of Columbia, specifically the life of Brishell Jones on March 30, 2010, these defendants intentionally and/or recklessly caused Nardyne Jefferies severe emotional distress when their extreme and outrageous conduct resulted in the death of her only child, a death that could have been prevented.

### **CONCLUSION**

But for the fact that designated D.C. Agency and Department heads and directors and AUSA exercised intentional and/ or negligent judgment and conduct in authorizing their agencies to effectuate legislatively mandated functions, criminal defendants roamed free in the community, and were able to commit continued violent acts against D.C. residents. In so doing, these Agency and Department heads and directors breached their duty to Brishell Jones, the other murdered victims, and wounded on March 30, 2010, as well as to all residents of the District of Columbia, when they developed a plan to circumvent D.C. laws and regulations effecting follow up procedures and policies for homicides to prevent innocent residents and others within the community from victimization brought about by retaliatory violence, so as to arbitrarily penalize them for malicious, discriminatory, and wrongful reasons. As a direct result and proximate cause of the breach of their duties, Brishell Jones and other aforementioned innocent victims died, and Nardyne Jefferies is left to grieve the loss of her only child.

Wherefore the premises considered, the Plaintiffs pray that this Court grants judgment in Plaintiffs' favor for:

**Compensatory and punitive damages of One Hundred Million Dollars**

**(\$100,000,000.00)**, plus interest and costs, including but not limited to:

- (1) Decedent's loss of enjoyment of life or hedonic damages,
- (2) Decedent's loss of companionship and society with her family
- (3) Value of decedent's support and services in the home
- (4) Medical expenses
- (5) Funeral expenses
- (6) Loss of future income
- (7) Loss of society with decedent child
- (8) Loss of child's services in minority and support of parents in their elderly years
- (9) Parent's grief
- (10) Loss of consortium
- (11) Lost wages
- (12) Lost earning capacity
- (13) Child decedent's pain and suffering
- (14) Decedent's conscious prefatal-injury fear and apprehension of death
- (15) Pre-death mental anguish
- (16) Punitive damages against each agency and D.C. official per negligent act or omission
- (17) Compensatory damages
- (18) Civil Rights Claim of Brishell Tashé Jones

(19) Civil Rights Claim of Nardyne Jefferies

**Damages for Gross Negligence and Negligence**, jointly and severally, against all Defendants mentioned herein for wrongful and negligent conduct against Claimants, in the amount of **Fifty Million Dollars (\$50,000,000.00)** in compensatory and punitive damages, plus interest and costs.

**Damages for Negligent Training and Supervision**, jointly and severally, against all Defendants herein mentioned, of **Fifty Million Dollars (\$50,000,000.00)** in compensatory and punitive damages, plus interest and costs.

**Damages for Intentional/Negligent Infliction of Emotional Distress**, jointly and severally, against all Defendants herein mentioned, of **Twenty Million Dollars (\$20,000,000.00)**, in compensatory and punitive damages, plus interest and costs.

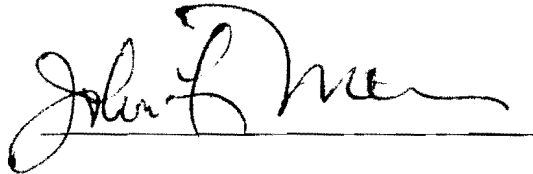
Based upon the above, the estate of Brishell Jones and Nardyne Jefferies, in her capacity as mother and personal representative of Brishell Jones' estate, demand the following:

- (1) That the Claimant be made whole for all damages caused by the wrongful tortious acts of the District.
- (2) That the Claimant be made whole for all damages caused by the racially discriminatory acts of the District.
- (3) That the District of Columbia, its employees, and/ or agents be immediately enjoined from other such unlawful, illegal, and retaliatory actions against Claimant, residents of Wards 7 and 8, and African American residents of the District of Columbia, as led to the initiation of this complaint.

(4) That Declaratory Relief documenting and substantiating the failures of each and every aforementioned D.C. Government Agency and respective Administrator(s) and how they were linked and contributed to Brishell Tashé Jones' death. Included should be an order that the D.C. Mayor convene a Truth and Reconciliation Commission to address issues of "restorative justice" in Wards 7 and 8, in particular.

(5) Attorney fees, costs, and expenses of litigation.

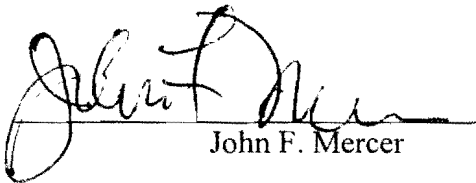
Respectfully submitted,

A handwritten signature in black ink, appearing to read "John F. Mercer", written over a horizontal line.

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Attorney for the Plaintiffs

**JURY TRIAL DEMAND**

Plaintiffs demand a jury trial in this matter pursuant to SCR-Civil 38, Fed. R. Civ. P. 38(b), SCR-Civil 5, and Fed. R. Civ. P. 5(b).

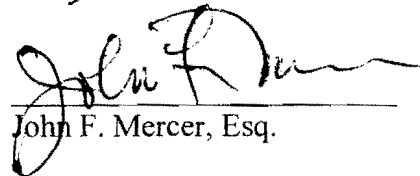


John F. Mercer

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Plaintiffs' Complaint was served by first-class mail and by fax upon:

this 30<sup>th</sup> day of March, 2011



John F. Mercer, Esq.